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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: D. Schmitz et al.

Appln. No.: 09/896,061

Examiner: F. Poinvil

Filed: June 29, 2001

Art Unit: 3692

For: Automated Execution System
Having Participation

Attorney Docket No: 11927/90

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

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<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
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3,581,072	05/25/71	Nymeyer
4,412,287	10/25/83	Braddock, III
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5,715,402	02/03/98	Popolo
5,744,877	04/28/98	Owens
5,774,877	06/30/98	Patterson, Jr. et al.

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<u>Document No.</u>	<u>Date</u>	<u>Country</u>
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A. Frino et al., Price And Time-Priority Versus Pro-Rata Algorithms In Electronically Traded Futures Markets: Simulation Based Performance Characteristics, October 3, 1998, <http://www.sirca.org.au/research/database.html> (Document 1998009.pdf)

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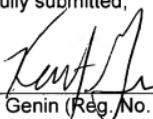
Applicant is enclosing Form PTO-1449 (four sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

2/28/2007
Date



Kent E. Genin (Reg. No. 37,834)

FEB 28 2007



FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	SERIAL NO. 09/896,061	CASE NO. 11927/90 GROUP ART UNIT 3692
FILING DATE June 29, 2001		
APPLICANT(S): D. Schmitz et al.		

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (If Known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
A1	3,573,747	04/06/71	Adams et al.		
A2	3,581,072	05/25/71	Nymeyer		
A3	4,412,287	10/25/83	Braddock, III		
A4	4,674,044	06/16/87	Kalmus et al.		
A5	4,903,201	02/20/90	Wagner		
A6	4,980,826	12/25/90	Wagner		
A7	5,038,284	08/06/91	Kramer		
A8	5,101,353	03/31/92	Lupien et al.		
A9	5,136,501	08/04/92	Silverman et al.		
A10	5,297,031	03/22/94	Gutterman et al.		
A11	5,297,032	03/22/94	Trojan et al.		
A12	5,305,200	04/19/94	Hartheimer et al.		
A13	5,315,634	05/24/94	Tanaka et al.		
A14	5,664,115	09/02/97	Fraser		
A15	5,689,652	11/18/97	Lupien et al.		
A16	5,715,402	02/03/98	Popolo		
A17	5,744,877	04/28/98	Owens		
A18	5,774,877	06/30/98	Patterson, Jr. et al.		
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A20	5,793,301	08/11/98	Patterson, Jr. et al.		
A21	5,797,002	08/18/98	Patterson, Jr. et al.		
A22	5,809,483	09/15/98	Broka et al.		
A23	5,813,009	09/22/98	Johnson et al.		
A24	5,819,237	10/06/98	Garman		
A25	5,845,266	12/01/98	Lupien et al.		
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A28	5,913,202	06/15/99	Motoyama		
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A36	5,978,779	11/02/99	Stein et al.		

EXAMINER /Frantzy Poinvil/	DATE CONSIDERED	04/24/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;
 Draw line through citation if not in conformance and not considered. Include copy of this form with next
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A44	6,119,103	09/12/00	Basch et al.		
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A52	6,278,982	08/21/01	Korhammer et al.		
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A55	6,317,727 B1	11/13/01	May		
A56	6,317,728	11/13/01	Kane		
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A61	6,539,362	03/25/03	Patterson, Jr. et al.		
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A79	WO 00/70506	11/23/00	PCT		
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A81	WO 01/22269	03/29/01	PCT		
A82	WO 01/22313	03/29/01	PCT		
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A85	WO 01/88808	11/22/01	PCT		
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EXAMINER INITIAL		OTHER ART - NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>			
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	A93	A Report On The Operation Of The Cincinnati Stock Exchange National Securities Trading System 1978-1981, U.S. Securities And Exchange Commission, September 1982			
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		June 29, 2001	3692
APPLICANT(S): D. Schmitz et al.			

EXAMINER INITIAL	OTHER ART - NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.)		
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A100	CBOE Rules, CCH (1989) (Rules 6.45-8.80)		
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A102	U.S. Congress, Office Of Technology Assessment, "Electronic Bulls And Bears: U.S. Securities Markets And Information Technology", OTA-CIT-469 (Washington, DC: U.S. Government Printing Office, September 1990). (selected excerpts)		
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A108	J. Meeker, The Work Of The Stock Exchange, The Ronald Press Company 1923, pp. 108-109		
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